

**CITY OF NEWPORT BEACH  
PLANNING COMMISSION AGENDA  
CITY COUNCIL CHAMBERS - 3300 NEWPORT BOULEVARD  
THURSDAY, December 6, 2012  
REGULAR MEETING – 5:00 p.m.**

**MICHAEL TOERGE**  
Chair

**BRADLEY HILLGREN**  
Vice Chair

**FRED AMERI**  
Secretary

**TIM BROWN  
KORY KRAMER  
JAY MYERS  
LARRY TUCKER**

**Planning Commissioners are citizens of Newport Beach who volunteer to serve on the Planning Commission. They were appointed by the City Council by majority vote for 4-year terms. At the table in front are City staff members who are here to advise the Commission during the meeting. They are:**

**KIMBERLY BRANDT, Community Development Director**

**BRENDA WISNESKI, Deputy Community  
Development Director**

**LEONIE MULVIHILL, Assistant City Attorney    TONY BRINE, City Traffic Engineer**

**NOTICE TO THE PUBLIC**

Regular meetings of the Planning Commission are held on the Thursdays preceding second and fourth Tuesdays of each month at 6:30 p.m. The agendas, minutes, and staff reports are available on the City's web site at: <http://www.newportbeachca.gov> and for public inspection in the Community Development Department, Planning Division located at 3300 Newport Boulevard, during normal business hours. If you have any questions or require copies of any of the staff reports or other documentation, please contact the Community Development Department, Planning Division staff at (949) 644-3200.

This Commission is subject to the Ralph M. Brown Act. Among other things, the Brown Act requires that the Commission's agenda be posted at least 72 hours in advance of each meeting and that the public be allowed to comment on agenda items before the Commission and items not on the agenda but are within the subject matter jurisdiction of the Commission. The Commission may limit public comments to a reasonable amount of time, generally three (3) minutes per person. All testimony given before the Planning Commission is recorded.

It is the intention of the City of Newport Beach to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant of this meeting, you will need special assistance beyond what is normally provided, the City of Newport Beach will attempt to accommodate you in every reasonable manner. Please contact Leilani Brown, City Clerk, at least 72 hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible (949-644-3005 or [lbrown@newportbeachca.gov](mailto:lbrown@newportbeachca.gov)).

**APPEAL PERIOD:** Use Permit, Variance, Site Plan Review, and Modification Permit applications do not become effective until 14 days following the date of approval, during which time an appeal may be filed with the City Clerk in accordance with the provisions of the Newport Beach Municipal Code. Tentative Tract Map, Tentative Parcel Map, Lot Merger, and Lot Line Adjustment applications do not become effective until 10 days following the date of approval, during which time an appeal may be filed with the City Clerk in accordance with the provisions of the Newport Beach Municipal Code. General Plan and Zoning Amendments are automatically forwarded to the City Council for final action.

**NEWPORT BEACH PLANNING COMMISSION AGENDA  
CITY COUNCIL CHAMBERS – 3300 NEWPORT BOULEVARD  
THURSDAY, DECEMBER 6, 2012  
REGULAR MEETING – 5:00 p.m.**

**I. CALL TO ORDER**

**II. PLEDGE OF ALLEGIANCE**

**III. ROLL CALL**

**IV. PUBLIC COMMENTS**

*Public comments are invited on non-agenda items generally considered to be within the subject matter jurisdiction of the Planning Commission. Speakers must limit comments to three (3) minutes. (Red light signifies when three (3) minutes are up; yellow light signifies that the speaker has one (1) minute left for summation.) Before speaking, please state your name for the record and print your name on the blue forms provided at the podium.*

**V. REQUEST FOR CONTINUANCES**

**VI. CONSENT ITEMS**

**ITEM NO. 1 MINUTES OF NOVEMBER 8, 2012**

**Recommended Action:** Approve and file

**VII. PUBLIC HEARING ITEMS**

*Speakers must limit comments to three (3) minutes on all items. (Red light signifies when three (3) minutes are up; yellow light signifies that the speaker has one (1) minute left for summation.) Before speaking, please state your name for the record and print your name on the blue forms provided at the podium.*

*If in the future, you wish to challenge in court any of the matters on this agenda for which a public hearing is to be conducted, you may be limited to raising only those issues, which you (or someone else) raised orally at the public hearing or in written correspondence received by the City at or before the hearing.*

**ITEM NO. 2 Goldenrod Variance (PA2012-126)  
Site Location: 211 Goldenrod Avenue**

**Summary:**

A variance application for a new single-unit dwelling to encroach 5 feet into the required 10-foot rear yard setback, to exceed the maximum floor area limit by approximately 450 square feet, and to allow the third floor to be located closer than 15 feet to the front setback line.

**CEQA Compliance:**

The project is categorically exempt under Section 15303, of the California Environmental Quality Act (CEQA) Guidelines - Class 3 (New Construction or Conversion of Small Structures).

**Recommended Action:**

1. Conduct public hearing; and
2. Adopt Resolution No. \_\_\_\_ approving Variance No. VA2012-006.

**ITEM NO. 3      Plaza Corona del Mar (PA2010-061)**  
**Site Location: 3900 and 3928 East Coast Highway**

**Summary:**

The applicant requests approval of a horizontal mixed-use development with six detached dwelling units above a common subterranean parking structure, a 2,160-square-foot office addition above an existing 535-square-foot delicatessen (Gallo's Deli), and a 10-space shared surface parking lot. The following approvals are requested or required in order to implement the project as proposed:

1. A site development review to ensure compatibility with the site and surrounding land uses;
2. A conditional use permit to allow parking for nonresidential uses in a residential zoning district and to allow off-site parking;
3. A modification permit to allow a retaining wall up to 17 feet 2 inches in height, where the Zoning Code limits the height to 8 feet;
4. A variance for the residential structures to establish a 15-foot front setback and corresponding buildable area where a 20-foot setback is currently required; and
5. A tentative tract map for residential condominium purposes and to consolidate five lots and portions of a vacated alley into two lots.

**CEQA Compliance:**

The project is categorically exempt under Section 15332, of the California Environmental Quality Act (CEQA) Guidelines - Class 32 (In-Fill Development).

**Recommended Action:**

1. Conduct public hearing; and
2. Adopt Resolution No. \_\_\_\_ approving Conditional Use Permit No. UP2012-011, Modification Permit No. MD2012-011, Site Development Review No. SD2012-001, Tentative Tract Map No. NT2012-001, and Variance No. VA2012-007.

**ITEM NO. 4      Port Theater Alcohol Service (PA2012-070)**  
**Site Location: 2905 E. Coast Highway**

**Summary:**

A minor use permit for the Port Theater to allow the addition of a Type 47 (On-Sale General) Alcoholic Beverage Control License in conjunction with food service at a landmark theater. The requested hours of operation for alcohol service are from 8:00 a.m. to 11:00 p.m., daily. The existing theater operates from 8:00 a.m. to 2:00 a.m., daily. Alcohol service during shows would be provided on the second floor mezzanine and access to this area would be limited to patrons 21 years of age and older. Alcohol service is also proposed throughout the theater (both the first and second level) during shows that are limited to patrons over the age of 21. This application has been referred to the Planning Commission by the Zoning Administrator for consideration and action.

**CEQA Compliance:**

The project is categorically exempt under Section 15301, of the California Environmental Quality Act (CEQA) Guidelines - Class 1 (Existing Facilities).

**Recommended Action:**

1. Conduct public hearing; and
2. Adopt Resolution No. \_\_\_\_ approving Minor Use Permit No. UP2012-009

**ITEM NO. 5 Uptown Newport (PA2011-134)**

**Site Location: 4311-4321 Jamboree Road, North side of Jamboree Road. between Birch Street. and Fairchild Road**

**Summary:**

The redevelopment of a 25-acre office and industrial site with a mixed-use community consisting of up to 1,244 residential units, 11,500 square feet of neighborhood-serving retail space, and two 1-acre public parks. Residential product types would be for sale and rental with a mix of townhomes, and mid- and high-rise apartments and condominiums. Between 102 and 369 units would be made available as affordable housing depending upon the target income category (i.e. very-low, low or moderate income households). Most buildings would range between 30 and 75 feet in height with several residential towers up to 150 feet in height. Project approval requires a Planned Community Development Plan amendment and adoption, Tentative Tract Map, Traffic Study, Affordable Housing Implementation Plan, and Development Agreement.

**CEQA Compliance:**

Pursuant to the California Environmental Quality Act the City of Newport Beach has prepared Environmental Impact Report SCH No. 2010051094 to evaluate the environmental impacts resulting from the proposed project.

**Recommended Action:**

1. Conduct public hearing; and
2. Adopt Resolution No. \_\_\_\_ recommending the City Council take the following actions:
  - a. Certification of Environmental Impact Report No. ER2012-001 (SCH#2010051094); and
  - b. Approval of Planned Community Development Plan Amendment No. PD2011-003, Planned Community Development Plan Adoption No. PC2012-001, Traffic Study No. TS2012-005, Tentative Tract Map No. NT2012-002, Affordable Housing Implementation Plan No. AH2012-001, and Development Agreement No. DA2012-003.

**VIII. STAFF AND COMMISSIONER ITEMS**

**ITEM NO. 6 MOTION FOR RECONSIDERATION**

**ITEM NO. 7 COMMUNITY DEVELOPMENT DIRECTOR'S REPORT**

**ITEM NO. 8 ANNOUNCEMENTS ON MATTERS THAT THE PLANNING COMMISSION MEMBERS WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION, OR REPORT.**

**ITEM NO. 9 REQUESTS FOR EXCUSED ABSENCES**

**IX. ADJOURNMENT**